

COMMITTEE ON APPROPRIATIONS
SENATE AMENDMENTS TO S.B. 1301
(Reference to printed bill)

Strike everything after the enacting clause and insert:

"Section 1. Section 12-121, Arizona Revised Statutes, is amended to read:

12-121. Number of judges; petition for approval of additional judges

A. In each county of the state there shall be a superior court for which at least one judge shall be elected. ~~In each county having a census enumeration greater than thirty thousand inhabitants, and upon~~ ON petition by the board of supervisors of ~~such~~ THE county to the governor and ~~his~~ ON THE GOVERNOR'S approval ~~thereof~~ OF THE PETITION, ~~there shall be~~ an additional judge OR JUDGES of the superior court ~~for each thirty thousand inhabitants, or majority fraction thereof, or the additional judge of the superior court may~~ SHALL be authorized, ~~based on the procedure prescribed by the terms of subsections B and C.~~

~~B. Upon petition by the board of supervisors of a county to the governor and his approval thereof, there shall be an additional judge of the superior court provided that the board of supervisors has determined, as prescribed in subsection C, that the county has acquired since the last census enumeration the required number of inhabitants for an additional judge as provided in subsection A.~~

~~C. The determination of the board of supervisors shall be based on, but not limited to, recent estimates of population, if any, of any area within the county issued by the bureau of the census, auto registrations, nonagricultural employment, gross utility revenues and retail sales.~~

~~D.~~ B. Additional judges authorized by ~~the terms of~~ this section shall be appointed or elected as provided by law.

Sec. 2. Section 12-284, Arizona Revised Statutes, is amended to read:

12-284. Fees

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A. Except as otherwise provided by law, the clerk of the superior court shall receive fees classified as follows:

Class	Description	Fee
A	Initial case filing fee	
	Tax case	\$115.00 166.00
	Filing complaint or petition	115.00 166.00
	Filing intervenor	115.00 166.00
	Additional plaintiffs	115.00 166.00
	Filing foreign judgment	115.00 166.00
	Ownership of real property becomes an issue plaintiff	115.00 166.00
	Appellant (except under sections 12-1809 and 13-3602)	115.00 166.00
	Change of venue to this county	115.00 166.00
	Petition for change of name	115.00 166.00
	Filing a process server application	115.00 166.00
B	Subsequent case filing fee	
	Filing answer or initial appearance	\$ 61.00 88.00
	Additional defendants	61.00 88.00
	Notice of appeal to appellate courts (except under section 12-2107)	61.00 88.00
	Cross-appeal by appellee (except under section 12-2107)	61.00 88.00
	Ownership of real property becomes an issue defendant	61.00 88.00
	Jurisdiction exceeded appellee (within 20 days of filing)	61.00 88.00
	Response to show cause that does one or more of the following:	
	1. Requests affirmative relief or counterrelief	
	2. Attacks the sufficiency of process or the proceedings	

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1	3. Takes other affirmative action	61.00 88.00
2	C Initial case filing fee	
3	Filing petition for annulment	\$ 91.00 131.00
4	Filing for dissolution/legal separation petition	91.00 131.00
5	Petition in formal testacy or appointment	
6	proceeding	91.00 131.00
7	Application for informal probate or informal	
8	appointment	91.00 131.00
9	Petition for supervised administration petition	
10	to appoint guardian	91.00 131.00
11	Petition to appoint conservator or make other	
12	protective order	91.00 131.00
13	Opposing petition in testacy or appointment	
14	proceedings or appointment of guardian or	
15	conservator	91.00 131.00
16	Single estate application or petition under	
17	title 14, chapter 3, section 14-3938	91.00 131.00
18	Domestic relations case for which a fee is	
19	not specifically prescribed	91.00 131.00
20	D Subsequent case filing fee	
21	Filing answer to annulment	\$ 46.00 66.00
22	Filing for dissolution/legal separation answer	46.00 66.00
23	Any person opposing contested petition if no	
24	prior payment made	46.00 66.00
25	Postadjudication petitions in	
26	domestic relations cases	46.00 66.00
27	Postjudgment activities in probate cases	46.00 66.00
28	E Minimum clerk fee	
29	Filing power of attorney	\$ 18.00 26.00
30	Change of venue to another county	
31	transmittal fee	18.00 26.00
32	Change of venue to another county pursuant	
33	to section 12-404 transmittal fee	18.00 26.00

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1	Filing transcript and docketing judgment	
2	from any courts	18.00 26.00
3	Issuance of writs of: attachment, execution,	
4	possession, restitution, prohibition and	
5	enforcement of order of judgment-garnishment	18.00 26.00
6	Certified copy or abstract of marriage	
7	application or license	18.00 26.00
8	Filing oath and bond of notary public	18.00 26.00
9	Certificate of correctness of copy of record	18.00 26.00
10	Justice of peace certificate	18.00 26.00
11	Notary public certificate	18.00 26.00
12	Each certificate of clerk to any matter in	
13	clerk's record not specifically provided	18.00 26.00
14	Filing any paper or performing any act for	
15	which a fee is not specifically prescribed	18.00 26.00
16	Subpoena - (civil)	18.00 26.00
17	Research in locating a document (per year or	
18	source researched)	18.00 26.00
19	Exemplification (per certification)	18.00 26.00
20	Authentication (per certification)	18.00 26.00
21	Seal a court file	18.00 26.00
22	Reopen a sealed court file	18.00 26.00
23	Retrieve bank records	18.00 26.00
24	Reel of film alpha index per year	
25	(plus per page fee below)	18.00 26.00
26	Payment history report	18.00 26.00
27	Certification under one document certification	18.00 26.00
28	Civil traffic appeal	18.00 26.00
29	F Per page fee	
30	Making copies (on appeal and on request)	
31	per page	\$.50
32	Making extra copies per page	.50
33	Making photographic or photostatic copies	

1	per page	.50
2	Comparison fee of papers furnished by	
3	applicant per page	.50
4	Alpha index per page	.50
5	G Special fees	
6	Small claim tax case	\$ 15.00 22.00
7	Marriage license and return of a	
8	marriage license	50.00 72.00
9	Postage and handling	5.00 7.00
10	Notary services	5.00 7.00
11	Stop payment on check	10.00 14.00
12	B. The clerk of the superior court shall receive the fees prescribed	
13	in subsection A of this section for the following services:	
14	1. Making copies of papers and records required to be made by the	
15	clerk on appeal, and copies of papers and records in the clerk's office made	
16	on request in other cases, for each legal size page of original.	
17	2. Making extra copies of the papers and records mentioned in	
18	paragraph 1 of this subsection, required or requested for each page of copy	
19	of such papers and records.	
20	3. In a clerk's office, in which a photographic or photostatic method	
21	of recording is used or is available for use in cooperation with other public	
22	offices, preparing copies enumerated in paragraphs 1 and 2 of this subsection	
23	for each page of copy or fraction of a page of copy. Portions of several	
24	pages of records may be combined in one page of copy. The clerk may prepare	
25	an abstract of marriage in lieu of a reproduction of the recorded marriage	
26	license. The fee shall apply to matters whether recorded in such office by	
27	longhand, typing, electronic, photographic or photostatic methods. The fees	
28	for copies are exclusive of the fees for certification or authentication.	
29	4. Issuing a certificate as to official capacity of a notary public or	
30	justice of the peace and affixing a seal to the certificate.	
31	5. Each subpoena issued in a civil proceeding or filing any paper or	
32	performing any act for which a fee is not specifically prescribed by law, but	
33	the clerk shall not charge for the clerk's services in administering the oath	

1 in connection with any affidavit, petition, letters or other pleading or
2 document which, after administration of the oath therefor, is promptly filed
3 by the clerk and becomes a part of a case or matter of record in the office
4 of the clerk.

5 C. In addition to the fees required by subsection A of this section,
6 the clerk shall charge and collect a surcharge of fifteen dollars for each
7 filing of a postadjudication petition in a domestic relations case for which
8 a fee presently is charged under class D in subsection A of this section.
9 The surcharge shall be used exclusively to fund domestic relations education
10 and mediation programs established pursuant to section 25-413. Each month
11 the clerk shall transmit the monies the clerk collects pursuant to this
12 subsection to the county treasurer for deposit in the domestic relations
13 education and mediation fund established by section 25-413.

14 D. Excluding the monies that are collected pursuant to subsection C of
15 this section, each month the clerk shall transmit seventy-five per cent of
16 the monies collected for subsequent case filing fees for postadjudication
17 petitions in domestic relations cases under class D in subsection A of this
18 section to the county treasurer for deposit in the expedited child support
19 and parenting time fund established pursuant to section 25-412. The
20 remaining twenty-five per cent of the monies collected pursuant to this
21 subsection shall be distributed pursuant to section 12-284.03.

22 E. At the commencement of each action for annulment, dissolution of
23 marriage, legal separation, maternity or paternity, the petitioner shall pay
24 to the clerk of the court the initial case filing fee for the action provided
25 in subsection A of this section. At the time of filing a response, the
26 respondent shall pay to the clerk of the court the subsequent case filing fee
27 for the action provided in subsection A of this section. In each county
28 where the superior court has established a conciliation court, the petitioner
29 and respondent shall each pay to the clerk a sixty-five dollar fee. The
30 monies from the additional fee shall be used to carry out the purposes of the
31 conciliation court pursuant to title 25, chapter 3, article 7.

32 F. In garnishment matters:

1 1. A fee shall not be charged for filing an affidavit seeking only the
2 release of exempt wages.

3 2. A fee shall not be charged for filing a garnishee's answer, for
4 filing a judgment against the garnishee or for the issuance or return of
5 process incident to such a judgment.

6 3. For any contest relating to or any controversion of a garnishment
7 matter, unless the contesting party has paid an appearance fee in that cause,
8 the required appearance fee shall be paid, except that the garnishee shall
9 not pay a clerk's fee.

10 G. A person who is cited to appear and defend an order to show cause
11 shall not be charged an appearance fee. The person may stipulate to or
12 consent to the entry of an order without the payment of an appearance fee.
13 An appearance fee shall be paid if the person is present in person or by an
14 attorney and does one or more of the following:

- 15 1. Requests affirmative relief or counterrelief.
16 2. Attacks the sufficiency of process or the proceedings.
17 3. Takes other affirmative action.

18 H. A petitioner shall not be charged a fee for requesting an order of
19 protection pursuant to section 13-3602 or an injunction against harassment
20 pursuant to section 12-1809. A defendant shall not be charged an answer fee
21 in an order of protection action if the defendant requests a hearing pursuant
22 to section 13-3602, subsection I or in an injunction against harassment
23 action if the defendant requests a hearing pursuant to section 12-1809,
24 subsection H.

25 I. A person who files a registrar's order pursuant to section
26 32-1166.06 shall not be charged a fee.

27 J. The clerk of the court shall charge and collect a forty-six dollar
28 filing fee for a petition for emancipation of a minor filed pursuant to
29 chapter 15 of this title. Each month the clerk shall transmit the monies the
30 clerk collects pursuant to this subsection to the county treasurer for
31 deposit in the emancipation administrative costs fund established by section
32 12-2456.

K. Except for monies that are collected pursuant to subsections C, D, E and J of this section, the clerk of the superior court shall transmit monthly to the county treasurer all monies collected pursuant to this section for distribution or deposit pursuant to section 12-284.03.

L. THE SUPREME COURT MAY INCREASE THE FEES PRESCRIBED IN SUBSECTION A OF THIS SECTION IN AN AMOUNT NOT TO EXCEED THE PER CENT OF CHANGE IN THE AVERAGE CONSUMER PRICE INDEX AS PUBLISHED BY THE UNITED STATES DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS BETWEEN THAT FIGURE FOR THE LATEST CALENDAR YEAR AND THE CALENDAR YEAR IN WHICH THE LAST FEE INCREASE OCCURRED.

Sec. 3. Section 22-281, Arizona Revised Statutes, is amended to read:

22-281. Fees and deposits

A. Justices of the peace shall receive fees established and classified as follows in civil actions:

Class	Description	Fee
A	Initial case filing fee	
	Civil filing fees	\$ 45.00 65.00
B	Subsequent case filing fee	
	Civil filing fees - defendant	\$ 24.00 35.00
C	Initial case filing fee	
	Forcible entry and detainer filings	\$ 21.00 30.00
	Small claims filing	16.00 23.00
D	Subsequent case filing fee	
	Small claims answer	\$ 9.00 13.00
	Forcible entry and detainer filings - defendant	11.00 16.00
E	Minimum clerk fee	
	Document and transcript transfer on appeal	\$ 17.00 24.00
	Certification of any documents	17.00 24.00
	Issuance of writs	17.00 24.00
	Filing any paper or performing any act for which a fee is not specifically prescribed	17.00 24.00
	Subpoena (civil)	17.00 24.00
	Research in locating a document	17.00 24.00

1	Seal a court file	17.00 24.00
2	Reopen a sealed court file	17.00 24.00
3	Record duplication	17.00 24.00
4	F Per page fee	
5	Copies of any documents per page	\$ 0.50
6	G Special fees	
7	Small claims service by mail	\$ 8.00

8 B. This section does not deprive the parties to the action of the
9 privilege of depositing amounts with the justice, in addition to those set
10 forth in this section, for use in connection with the payment of constable's
11 and sheriff's fees for service of process, levying of writs and other
12 services for which fees are otherwise provided by law.

13 C. Excluding the monies that are kept by the court pursuant to
14 subsection D of this section, justices of the peace shall transmit monthly to
15 the county treasurer all monies collected pursuant to subsection A of this
16 section. The county treasurer shall distribute or deposit all of the monies
17 received pursuant to this subsection as follows:

18 1. 18.39 per cent to the state treasurer for deposit in the judicial
19 collection enhancement fund established by section 12-113.

20 2. 2.42 per cent to the state treasurer for deposit in the alternative
21 dispute resolution fund established by section 12-135.

22 3. TO THE ELECTED OFFICIALS' RETIREMENT PLAN FUND ESTABLISHED BY
23 SECTION 38-802, EITHER OF THE FOLLOWING PERCENTAGES, WHICH SHALL BE
24 DISTRIBUTED TO THE FUND PURSUANT TO SECTION 38-810:

25 (a) 23.79 PER CENT IF THE COUNTY TREASURER IS SERVING IN A COUNTY WITH
26 A POPULATION OF MORE THAN FIVE HUNDRED THOUSAND PERSONS.

27 (b) 15.30 PER CENT IF THE COUNTY TREASURER IS SERVING IN A COUNTY WITH
28 A POPULATION OF FIVE HUNDRED THOUSAND PERSONS OR LESS.

29 ~~3.~~ 4. ~~71.15 per cent~~ To the county general fund~~—~~, IN THE FOLLOWING
30 PERCENTAGES:

31 (a) 47.36 PER CENT IF THE COUNTY TREASURER IS SERVING IN A COUNTY WITH
32 A POPULATION OF MORE THAN FIVE HUNDRED THOUSAND PERSONS.

1 (b) 55.85 PER CENT IF THE COUNTY TREASURER IS SERVING IN A COUNTY WITH
2 A POPULATION OF FIVE HUNDRED THOUSAND PERSONS OR LESS.

3 D. 8.04 per cent of the monies transmitted pursuant to subsection C of
4 this section shall be kept and used by the court collecting the fees in the
5 same manner as the seven dollars of the time payment fee prescribed by
6 section 12-116, subsection B.

7 E. THE SUPREME COURT MAY INCREASE THE FEES PRESCRIBED IN SUBSECTION A
8 OF THIS SECTION IN AN AMOUNT NOT TO EXCEED THE PER CENT OF CHANGE IN THE
9 AVERAGE CONSUMER PRICE INDEX AS PUBLISHED BY THE UNITED STATES DEPARTMENT OF
10 LABOR, BUREAU OF LABOR STATISTICS BETWEEN THAT FIGURE FOR THE LATEST CALENDAR
11 YEAR AND THE CALENDAR YEAR IN WHICH THE LAST FEE INCREASE OCCURRED.

12 Sec. 4. Section 38-810, Arizona Revised Statutes, is amended to read:

13 38-810. Contributions

14 A. Each member shall contribute to the fund an amount equal to seven
15 per cent of the member's gross salary. Contributions of members shall be
16 made by payroll deductions. Every member is deemed to consent to these
17 deductions. Payment of a member's compensation, less these payroll
18 deductions, constitutes a full and complete discharge and satisfaction of all
19 claims and demands by the member relating to remuneration for the member's
20 services rendered during the period covered by the payment, except with
21 respect to the benefits provided under the plan.

22 B. The fund manager's office shall be credited monthly with monies
23 collected pursuant to section 12-119.01, subsection B, paragraph 2, section
24 12-120.31, subsection D, paragraph 2, ~~and~~ section 12-284.03, subsection A,
25 paragraph 6 AND SECTION 22-281, SUBSECTION C, PARAGRAPH 3. The monies
26 credited to the fund pursuant to this subsection shall be deposited in the
27 fund on a monthly basis, and there shall be a complete accounting of the
28 determination of these monies deposited in the fund.

29 C. As determined by actuarial valuations performed by the plan's
30 actuary, each employer shall make level per cent compensation contributions
31 sufficient under the actuarial valuation to meet both the normal cost plus
32 the actuarially determined amount required to amortize the unfunded accrued
33 liability over, beginning July 1, 2005, a rolling period of at least twenty

1 and not more than thirty years that is established by the fund manager taking
2 into account the recommendation of the plan's actuary, except that, beginning
3 with fiscal year 2006-2007 ~~and each year thereafter~~, the employer
4 contribution rate shall not be less than ten per cent of salary. The monies
5 deposited in the fund pursuant to subsection B of this section shall be used
6 to reduce the contributions required of state and county employers only.
7 Employers that entered the system under a joinder agreement shall also
8 contribute an amount equal to the unfunded accrued liability for that
9 employer. The unfunded liability for each new employer shall be actuarially
10 determined by the plan's actuary as of the effective date of participation of
11 each employer and shall be payable on the effective date of participation.
12 The minimum employer contribution that is paid and that is in excess of the
13 normal cost plus the actuarially determined amount required to amortize the
14 unfunded accrued liability as calculated pursuant to this subsection shall be
15 used to reduce future employer contribution increases and shall not be used
16 to pay for an increase in benefits that are otherwise payable to members.
17 The fund manager shall separately account for these monies in the fund.
18 After the close of any fiscal year, if the plan's actuary determines that the
19 actuarial valuation of the fund contains excess valuation assets and is more
20 than one hundred per cent funded, the fund manager shall account for fifty
21 per cent of the excess valuation assets in a stabilization reserve account.
22 After the close of any fiscal year, if the plan's actuary determines that the
23 actuarial valuation of the fund has a valuation asset deficiency and an
24 unfunded actuarial accrued liability, the fund manager shall use any
25 valuation assets in the stabilization reserve account, to the extent
26 available, to limit the decline in the fund's funding ratio to not more than
27 two per cent.

28 D. The department of administration and the treasurer of each county
29 and participating city and town shall transfer to the fund manager the
30 contributions provided for in subsections A and C of this section within ten
31 working days after each payroll date. The state, county treasurers and
32 clerks of the superior court shall transfer the monies credited under
33 subsection B of this section to the fund manager on or before the fifteenth

1 day of each calendar month that follows the month in which the court fees
2 were collected. Contributions and monies credited under subsection B of this
3 section and transferred after these dates shall include a penalty equal to
4 ten per cent ~~per-annum~~ A YEAR, compounded annually, for each day that the
5 contributions or monies credited under subsection B of this section are late.
6 Delinquent payments due under this subsection, together with interest charges
7 as provided in this subsection and court costs, may be recovered by action in
8 a court of competent jurisdiction against the person or persons responsible
9 for the payments or, at the request of the fund manager, may be deducted from
10 any other monies including excise revenue taxes payable to a political
11 subdivision by any department or agency of this state. If requested by the
12 fund manager, the state, county treasurers or clerks of the superior court
13 shall transfer the monies credited under subsection B of this section, in an
14 amount determined by the fund manager, directly to the qualified governmental
15 excess benefit arrangement established pursuant to section 38-803.01.

16 E. The employer shall pay the member contributions required of members
17 on account of compensation earned after August 7, 1985. The paid
18 contributions shall be treated as employer contributions for the purpose of
19 determining tax treatment under the United States internal revenue code. The
20 effective date of the employer payment shall not be before the date the
21 retirement plan has received notification from the United States internal
22 revenue service that pursuant to section 414(h) of the United States internal
23 revenue code the member contributions paid will not be included in gross
24 income for income tax purposes until the paid contributions are distributed
25 by refund or pension payments. The employer shall pay the member
26 contributions from monies established and available in the retirement
27 deduction account, which monies would otherwise have been designated as
28 member contributions and paid to the retirement plan. Member contributions
29 paid pursuant to this subsection shall be treated for all other purposes, in
30 the same manner and to the same extent, as member contributions made before
31 August 7, 1985.

32 Sec. 5. Retroactivity

Senate Amendments to S.B. 1301

1 This act is effective retroactively to from and after February 29,
2 2008."
3 Amend title to conform

02/19/2008

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